

REMARKS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Upon entry of the foregoing amendments, which are made for purpose of clarification of the subject matter which Applicants regard as their invention, and to further distinguish over the prior art, claims 1-35 will remain pending.

The currently amended claim 1 recites the presence of the optional base (see, e.g., claim 2 for the presence of base); and introduces the nature of the "optional" base in accordance with the disclosure of representative bases on page 4, line 32 to page 5, line 2. It is specifically noted that the named classes and compounds for the optional base omit tertiary amines, including triethanolamine and triisopropanolamine.

Although triethanolamine and triisopropanolamine are not mentioned by Putzig, U.S. 6,066,714, in the exemplification of tertiary amines at column 3, lines 52-63, and are not included in the preferred tertiary amines (those having only one alkanol substituent, see lines 56-57), the exclusion of Putzig's essential tertiary amine from the scope of the pending claims eliminates the relevancy, if any, of Putzig et al, as anticipatory of the pending subject matter.

Therefore, regardless of whether the disclosure of Putzig at column 5, lines 50-58, supports the conclusion that the disclosed reaction product includes polyhydric alcohol, e.g., ethylene glycol, (as a solvent), the presently pending claims, which do not include the reaction product of a tertiary amine (base compound), are not anticipated by the disclosure of Putzig et al.

It is submitted, therefore, that the proposed amendments should be entered and the final rejection be withdrawn.

It is further noted that claims 18 and 20 are directed to the embodiment wherein the co-catalyst includes a germanium compound or a tin compound. Since only antimony and cobalt compounds are disclosed as cocatalyst, the subject matters of claims 18 and 20 are not anticipated by Putzig for this additional reason.

Pending claims 3, 4 and 17 are directed to the embodiment wherein the reaction product includes a 2-hydroxy carboxylic acid. This subject matter is not anticipated by Putzig, et al.

At least pending claims 12, 13 and 14 recite particular organophosphorus compounds which are not disclosed by Putzig, et al.

Accordingly, each of claims 3, 4, 12, 13, 14, 17, 18 and 20 are believed to be in condition for allowance, independently of the allowability and allowance of the amended claim 1.

For all of the above reasons, reconsideration and withdrawal of the rejection of claims 1-35 as anticipated by Putzig, et al, U.S. 6,055,714, is respectfully requested.

Applicants did not receive, however, a copy of the Form PTO-1449, filed by Applicants on December 30, 2002, initialed by the Examiner. Applicants respectfully request that the reference be considered and made of record in the subject application by return of the initialed and dated copy of the PTO Form 1449.

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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